

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1.145. (Canceled)

146. (Currently Amended) A code division multiple access (CDMA) user device comprising:

a CDMA transceiver; and

a controller operable with the CDMA transceiver to establish a packet data communication session ~~according to a protocol architecture, the protocol architecture having over~~ a plurality of ~~protocol~~ layers including a physical layer,

the controller being operable with the CDMA transceiver to facilitate use of a data traffic channel and a control channel during the packet data communication session, wherein the data traffic channel and control channel are associated with CDMA codes and the control channel carries information indicative of a data rate associated with the data traffic channel, the data traffic channel including a plurality of code channels, wherein the control channel is not adapted to carry voice or data traffic,

wherein a state of at least one of the ~~protocol~~ layers other than the physical layer is maintained during the packet data communication session after the data traffic channel has been released, and

wherein the controller is operable to adjust a number of code channels
~~determine whether to request the data traffic channel~~ based on an amount of packet data in a packet data queue.

147. (Previously presented) The CDMA user device of claim 146, further comprising a channel multiplexer for multiplexing control and data traffic channels.

148. (Previously presented) The CDMA user device of claim 146, wherein the user device is a portable device comprising an integrated unit having a modem, the CDMA transceiver, and the controller.

149. (Previously presented) The CDMA user device of claim 146, wherein the CDMA transceiver is operable by the controller to transmit first CDMA signals on a transmission frequency, the transmission frequency being selected by the controller from a plurality of transmission frequencies, the CDMA transceiver also being operable by the controller to receive second CDMA signals on a reception frequency, the reception frequency being selected by the controller from a plurality of reception frequencies.

150. (Previously presented) The CDMA user device of claim 146, wherein the CDMA user device further comprises a memory, the memory being configured to store class of service information, the controller being configured to retrieve the class of service information stored in the memory.

151. (Previously presented) The CDMA user device of claim 146, wherein the CDMA user device further comprises a memory, the memory being configured to store maximum data rate information associated with the user device, the controller being operable to retrieve the stored maximum data rate information associated with the user device from the memory.

152. (Previously presented) The CDMA user device of claim 146, wherein the controller is operable to determine whether to request the data traffic channel further based on an estimated data rate desired to transmit the packet data.

153. – 164. (Canceled)

165. (Currently Amended) A code division multiple access (CDMA) user device comprising:

- a transmitter;
- a receiver; and

a controller operable with the transmitter and the receiver to establish a communication session over a plurality of layers including a physical layer, wherein the controller facilitates use of a traffic channel to carry data or voice and a control channel to carry only information other than data or voice during the communication session, wherein the traffic channel and the control channel are associated with CDMA codes, ~~wherein the controller maintains the communication session after the traffic channel has been released,~~ wherein a state of at least one of the plurality of layers other than the physical layer is maintained during the communication session after the traffic channel and the control channel have been

released, and wherein the controller adjusts a number of CDMA codes associated with a rate of the traffic channel based on an amount of data in a queue.

166. (Canceled)

167. (Canceled)

168. (Currently Amended) The CDMA user device of claim ~~165~~ 166, wherein the CDMA codes associated with the traffic channel are associated with one or more code channels are one or more sub-channels.

169. (Currently Amended) A code division multiple access (CDMA) user device comprising:

a transmitter; and

a controller operable with the transmitter to establish a communication session over a plurality of layers including a physical layer with a base station, wherein the transmitter transmits a control channel that carries ~~only control~~ information, wherein the control information only includes information other than data or voice during the communication session, wherein the controller manages, by use of the control channel, a number of CDMA codes rate of communication during the communication session, and ~~wherein the controller maintains a communication session wherein the controller maintains a communication session wherein a state of at least one of the plurality of layers other than the physical layer is maintained during the communication session~~ when no

data, [[or]] voice, or said control information is being transmitted by the transmitter.

170. (Currently Amended) The CDMA user device of claim 169, wherein the controller manages the number of CDMA codes ~~rate of communication~~ during the communication session based on an amount of data in a queue.

171. (Canceled)

172. (Currently Amended) The CDMA user device of claim 162 ~~171~~, wherein the CDMA codes are associated with ~~code channels~~ are sub-channels.

173. (Canceled)

174. (Canceled)

175. (Previously Presented) The CDMA user device of claim 146, wherein the code channels are sub-channels.